



**STATE OF TENNESSEE
DEPARTMENT OF HUMAN SERVICES**

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TO: All DHS Licensed Child Care Center Providers

FROM: Anne F. Turner, Child & Adult Care Licensing Director

DATE: August 19, 2006

SUBJECT: New Child Care Center Rules

We previously mailed to you a draft of updated child care center rules which included a notice of public hearings on those rules and an invitation to send us your comments about the proposed rules. We received many excellent suggestions about the rules and made several modifications as a result, especially in the reformatting of the rules to make them easier to read.

The public comment period has ended and we are pleased to inform you that the new child care center rules are scheduled to become effective on September 3, 2006. Enclosed is a copy of the new rules: *Chapter 1240-4-3 Licensure Rules for Child Care Centers*. Note that the new rules can also be viewed on the Department's website at: http://state.tn.us/humanserv/rules/rr_4.htm

Below is a summary of some of the major changes you will find in the new center rules:

- The new rules contain the requirements for both pre-school and school-age care (e.g., there is now only 1 set of rules for "Child Care Centers"). In general, most of the requirements within the rules apply equally to both pre-school and school-age programs. Any specific differences that are strictly pre-school or are strictly school-age requirements are noted within the new rules.
- In general, the rules have been reformatted to make them easier to read and use. Wherever possible, similar topics have been grouped within the same rule section,

and specific requirements have often been arranged in a simple list format rather than a running paragraph style. In addition, more definitions have been added to help clarify how the Department will be interpreting and applying a requirement (several definitions were revised and over twenty (20) new terms were added to this section).

- The rules have been updated to reflect the latest standards recommended by the National Health & Safety Performance Standards, the National Playground Safety Institute, federal health and safety guidelines, and the Tennessee Department of Health.
- Another significant change to these rules is the elimination of the appendices. Previously, the appendices contained some reference information that was more appropriate for technical assistance rather than a health and safety rule requirement. Therefore, these rules have incorporated any necessary items from the appendices into the rule text and eliminated those items better suited for separate reference materials. *(if you find that you need any supplementary technical assistance materials please do not hesitate to contact your local Child Care Resource & Referral Center).*
- A Supervision section was added to outline all the requirements related to this extremely important aspect of care. It includes information about adult:child ratios, grouping of children, and specific supervision requirements for such areas as swimming, off-site activities, naptime, and the playground. This section also includes updated standards for supervision requirements related to Sudden Infant Death Syndrome.
- A section for Sick Child Care requirements was also added to these rules. These rules outline the requirements for caring for children who have short-term illness, symptoms of illness, or who have a medical or technological dependency that requires continuous nursing intervention. *(Please note that you need a specific license to provide "Sick Child Care" – if you are interested in providing this type of care please contact your Program Evaluator).*
- An Extended Care section was added with specific provisions that apply to child care which is provided between 6:00 PM and 6:00 AM and on weekends. Special requirements or exceptions during these extended care hours are noted throughout the rules.
- Your current center rules contain requirements related to the 2007 passenger restraint and vehicle requirements. These new rules have been updated to reflect changes in these requirements, and also to enhance the readability of these requirements. In addition, the Transportation section has otherwise been reformatted to make it easier for each individual responsible for transportation to understand every step of their responsibilities.

Although much of the substance of these rules has not changed – especially those rules which relate to the most critical health and safety requirements – the extensive reformatting of these new rules will make them appear very different from your current

rules. *We therefore strongly urge you to read these rules from beginning to end in detail, and to additionally review every page of these rules with all of your staff.*

Your Program Evaluator will begin monitoring for compliance with these rules on September 4, 2006. It is therefore critical that, if you have any questions or concerns about any of the rules, or believe that you will have trouble immediately complying with any of these rules, that you contact your Program Evaluator or Licensing Supervisor as soon as possible. We want to attempt to assist you with compliance to the greatest extent possible – but please be aware that, unless a “grace period” is specifically written into the rule itself (e.g., such as the school bus requirement not becoming mandatory until January 1, 2007) then you are expected to immediately comply and to maintain that compliance. Thus, communicate any questions or concerns to your local Licensing office *before* you are found out of compliance with these rules.

Finally, please remember that the copy of the rules attached to this memo is the only free copy that the Department is able to provide to you. If you need additional copies you may copy this mailing, download them from the web, or pay your local Licensing office to make copies for you.

Although Tennessee’s child care rules are strict we believe you will agree that they are critical to our children’s health and safety and we hope you find these new rules will help you to help our children while being easier for you to read and follow. We recognize how hard each of you work every day and we look forward to continuing to work with you toward our mutual goal of raising safe, happy children who have the opportunity to reach their full potential in life.